

## **SUBSTITUTE ORDINANCE NO. BL2018-1350**

**An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS10 to ~~RM40~~ SP zoning on properties located at 2303 Lebanon Pike, Lebanon Pike (unnumbered) and 100 Blue Hills Drive, north of the terminus of Blue Hills Drive, within the Downtown Donelson Urban Design Overlay (3.58 acres), all of which is described herein (Proposal No. 2018Z-075PR-001).**

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS10 to ~~RM40~~ SP zoning on properties located at 2303 Lebanon Pike, Lebanon Pike (unnumbered) and 100 Blue Hills Drive, north of the terminus of Blue Hills Drive, within the Downtown Donelson Urban Design Overlay (3.58 acres), being Property Parcel Nos. 026, 038, 039 as designated on Map 095-03 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 095 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the RM40 zoning district, excluding short term rental property (STRP), owner occupied, and short term rental property (STRP), non-owner occupied.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Any proposed access onto Lebanon Pike shall align with the existing driveway at the existing multifamily driveway on the north side of Lebanon Pike.
2. The Developer shall conduct additional traffic analysis that at a minimum includes a signal warrant analysis for the access driveway at Lebanon Pike. This shall be done prior to the submittal of the final SP plan or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. Additional review and approval from the Tennessee Department of Transportation may be required. The developer shall design and install a traffic signal that meets the standards of the Metro Public Works Department, including pedestrian infrastructure, when approved by the Traffic and Parking Commission.
3. Developer shall provide and construct cross access to the adjacent church property located immediately to the east of the development, and provide all necessary easements therefore. Upon completion of the construction of this cross access, the

existing driveway to the adjacent church property shall be removed, and the cross access easement shall be recorded with the Davidson County Register of Deeds.

4. Parking shall be provided as depicted on the site map attached hereto as Exhibit A. Adjustments to the site plan may be allowed in order to meet the requirements of the Downtown Donelson Urban Design Overlay.
5. Except for the purpose of providing a secondary emergency access, no direct access will be allowed to or from the development onto either Blue Hills Drive or Sweetwood Road. The secondary emergency access shall be gated or barricaded in a way acceptable to the Metro Fire Department and designed to physically prevent its use by residents of the proposed development.
6. This property shall not be eligible for short-term rental property (STRP) permits under Chapter 17.16 of the Metropolitan Code of Laws. No Short Term Rental Property (STRP), Owner Occupied, nor Short Term Rental Property (STRP), Non-Owner Occupied, uses shall be permitted.
7. Compliance with all conditions from the Metropolitan Public Works Department and the Metropolitan and Traffic and Parking Commission shall be required.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. One final site plan shall be reviewed for compliance with SP and UDO standards.

Section 4. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 6. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of the Downtown Donelson Urban Design Overlay as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section -3- 7. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Jeff Syracuse  
Member of Council